



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

May 4, 2001

David Tozer
1352 Tozer Rd
Ellensburg WA 98926

Re: Emergency Drought Permit G4-32972

In accordance with the provisions of RCW 43.83B.405, on March 14, 2001, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 176-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT PERMIT. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) PERMIT WILL ISSUE FOR THE FUTURE USE OF THE WATER USE HEREIN AUTHORIZED.

The Department of Ecology has agreed to fund the cost of the mitigation or offsets for the impacts associated with the emergency drought authorizations. Ecology is attempting to meet the essential irrigation needs of farmers growing orchard crops, grapes and hops where the loss of irrigation water would permanently damage trees and vines. Essential needs have been defined as 75% to 80% of a usual irrigation water duty delivered by the irrigation districts.

This authorization is conditioned by the following provisions and limitations:

This authorization is for an existing well located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T. 17 N., R. 19 E.W.M.

The quantity of water to be withdrawn is limited to 275 gpm and 150 acre-feet per year to irrigate 75 acres of orchard. This is based upon the instantaneous quantity requested on the application and an annual quantity of 2 acre-feet per acre.

Water is to be used for supplemental irrigation of 75 acres of orchard from May 1 to October 31, 2001. The place of use is described as follows:

All of those portions of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, the SE $\frac{1}{4}$ SW $\frac{1}{4}$, the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 32, T. 17 N., R. 19 E.W.M. lying south of interstate highway No. 82, EXCEPT:



That portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 32, which is described as follows: Beginning at the NW corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence E on the N boundary line thereof for 402 feet; thence S 33 degrees W to intersect the N boundary line of the right of way of Lateral 15.8 Turbine Ditch; thence northwesterly along said boundary line of the right of way of Lateral 15.8 to its intersection with the N boundary line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence E along said N boundary line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ to the point of beginning.

That portion of the E $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 32, which is described as follows: Beginning at a point where the S boundary line of the right of way of Lateral 15.8 of the Highline Canal first intersects the W boundary line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section, N of the SW corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$, thence easterly along said boundary line of the right of way of Lateral 15.8 to the W boundary line of the Highline Canal; thence southerly along said boundary line of the right of way of the Highline Canal to the N boundary line of the right of way of Lateral 15.9 of the Highline Canal; thence westerly along said N boundary line of Lateral 15.9 to the W boundary line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section; thence N along said W boundary line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ to the point of beginning.

That portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T. 17 N., R. 19 E.W.M., in the County of Kittitas, State of Washington, which is bounded by a line described as follows:

Beginning at a point on the W boundary of Right-of-way of Tozer Road which is 20 feet W and 28 feet S of the E $\frac{1}{4}$ corner of said Section 32; thence S 26°36' W a distance of 784 feet, thence S 2°21' W a distance of 562 feet, thence N 89°29' E a distance of 379 feet to said W boundary of right-of-way of Tozer Road, thence N on said W boundary of right-of-way of Tozer Road a distance of 1284 feet to the point of beginning.

Except any portion thereof as conveyed to the State of Washington under Deed recorded July 30, 1969, In Volume 5, page 327, under Auditor's File No. 355727.

A suitable flow meter approved by the Department of Ecology shall be installed and maintained in accordance with WAC 508-64-020 through WAC 508-64-040. (Installation, operation and maintenance requirements attached hereto.)

Whenever water is being diverted, bi-weekly (every two weeks) readings of the flow meter shall be recorded and maintained by the permittee. These readings shall be documented by time, date, withdrawal rate, and the person conducting the measurements. Copies of these records shall be submitted to the Department of Ecology at the end of the 2001 irrigation season.

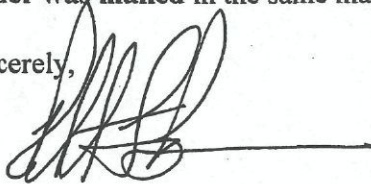
Withdrawal of water under this right may be limited or otherwise regulated in favor of senior rights.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

This drought emergency authorization expires on October 31, 2001

This Order may be appealed pursuant to RCW Chapter 43.21B. The person to whom this Order is issued must file an appeal with the Pollution Control Hearings Board **within thirty (30) days of receipt of this Order**. Send the appeal to: Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal **must** be sent to: Department of Ecology, Fiscal Office, P.O. Box 47615, Olympia, Washington 98504-7615. All others receiving notice of this Order must file an appeal with the Pollution Control Hearings Board **within thirty (30) days of the date the Order was mailed** in the same manner described above.

Sincerely,

A handwritten signature in black ink, appearing to be 'RFB', with a horizontal line extending to the right.

Robert F Barwin
Section Supervisor
Water Resources Program

DC:gg/010504

Enclosures: Flow Meter Requirements

cc: Yakama Nation